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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/982,559 12/02/97 CAHILL

J NSP-CASE-5

EXAMINER

IM22/0814

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KALAMAZOO MI 49008

GUARRIELLO, J

ART UNIT

PAPER NUMBER

1771

DATE MAILED:

08/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

881982559

Applicant(s)

Cahill

Examiner

John Guarniello

Group Art Unit

1971

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 5/18/2001
- ☒ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 2-26 is/are pending in the application.
- ☐ Of the above claim(s) is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 2-26 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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DETAILED ACTION

15. The Examiner acknowledges paper # 16 the amendment of 5/18/2001.

16. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

17. Claims 3-5, 13, 14, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Minnick 5,098,778.

Rejection is maintained substantially as in paper # 15 of 2/14/2001.

Applicant's arguments regarding the newly added mechanical strength limitation have been considered but Minnick still describes light weight, high strength laminates with a low density, 0.7 lb./cu.ft. (Column 8, lines 62- 63). Minnick further describes the laminate has **high strength** of at least 9.9 Mpsi, flex strength, and specific strength values of 0.8(L) and 02.5(C) in (Table II, Example I). Since the prior art teaches each of the chemical and structural

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elements claimed, then it must meet the claimed mechanical strength of at least 46 lbs./ square foot inherently. Minnick still meets the essential limitations of the claimed invention. Claims lack novelty.

Claim Rejections - 35 USC § 103

18. Claims 2-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman 4,425,396 in view of Minnick 5,098,778.

Rejection is maintained substantially as in paper # 11 of 3/16/2000, paragraph # 21. Applicant's arguments regarding the "Jepson" claim format have been considered, and noted as describe in MPEP 2129, page 2100-54, "Jepson claim format results in an implied admission that the preamble is prior art" and is old and known. Applicant's arguments regarding the cellulosic layer have been considered, but they are not persuasive because Minnick describes wood or wood products (which are cellulosic), (column 1, lines 25-31) which certainly meet the limitations of "cellulosic layer".

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Hartman describes a polyethylene weathering layer, (column 2, lines 40-60) which meets the limitations of the “polymeric” fabric layer. Minnick describes the polyolefin and polyester, which is the thermoplastic of the claimed invention, (column 4, lines 11-61). Regarding the limitations of the degree of saturation of resin, it would be obvious to one of ordinary skill to optimize the amount of resin to be saturated motivated with the expectation that where the general conditions of the claimed invention are described, discovering the optimum ranges involves only routine skill in the art, In re Aller, 105 USPQ 233.

19. Rejections not maintained are withdrawn. The 112 rejection was overcome by applicant’s amendment.

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Guarriello whose telephone number is (703) 308-3209. The examiner can normally be reached on Monday to Friday from 8 am. to 4 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris , can be reached on (703) 308-2414. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5408.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



John J. Guarriello: gj

Patent Examiner

August 10, 2001

August 13, 2001



TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700